
By: **Delegate Bartlett**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Children in Need of Assistance - Notice to School Officials of**
3 **Truancy**

4 FOR the purpose of authorizing the juvenile court to forward a copy of a certain order
5 regarding a child in need of assistance to the school principal or head teacher of
6 the public or private school that the child attends; requiring the school principal
7 or head of the school to notify the school's attendance officer or other person
8 charged with tracking student attendance at the school about the order;
9 authorizing certain school officials to notify certain courts that a student is
10 habitually truant; and generally relating to children in need of assistance and
11 school truancy.

12 BY repealing and reenacting, without amendments,
13 Article - Courts and Judicial Proceedings
14 Section 3-819(a) and (b)
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2003 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 3-819(b-1)
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Education
24 Section 7-302
25 Annotated Code of Maryland
26 (2001 Replacement Volume and 2003 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article - Family Law
29 Section 5-525(a), (b), and (f)

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2003 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Courts and Judicial Proceedings**

6 3-819.

7 (a) (1) Unless a CINA petition under this subtitle is dismissed, the court
8 shall hold a separate disposition hearing after an adjudicatory hearing to determine
9 whether the child is a CINA.

10 (2) The disposition hearing shall be held on the same day as the
11 adjudicatory hearing unless on its own motion or motion of a party, the court finds
12 that there is good cause to delay the disposition hearing to a later day.

13 (3) If the court delays a disposition hearing, it shall be held no later than
14 30 days after the conclusion of the adjudicatory hearing unless good cause is shown.

15 (b) In making a disposition on a CINA petition under this subtitle, the court
16 shall:

17 (1) Find that the child is not in need of assistance and, except as
18 provided in subsection (e) of this section, dismiss the case; or

19 (2) Find that the child is in need of assistance and:

20 (i) Not change the child's custody status; or

21 (ii) Commit the child to the custody of:

22 1. A parent, relative, or other individual on terms the court
23 considers appropriate; or

24 2. A local department, the Department of Health and Mental
25 Hygiene, or both, on terms that the court considers appropriate, including designation
26 of the type of facility where the child is to be placed.

27 (B-1) (1) IF THE COURT FINDS THAT A CHILD IS IN NEED OF ASSISTANCE AND
28 COMMITS THE CHILD TO THE CUSTODY OF A LOCAL DEPARTMENT UNDER
29 SUBSECTION (B)(2) OF THIS SECTION, THE COURT MAY FORWARD A COPY OF ITS
30 ORDER TO THE SCHOOL PRINCIPAL OR HEAD TEACHER OF THE PUBLIC OR PRIVATE
31 SCHOOL THAT THE CHILD ATTENDS.

32 (2) ON RECEIPT OF A COPY OF AN ORDER FORWARDED BY A COURT
33 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SCHOOL PRINCIPAL OR HEAD OF
34 THE PUBLIC OR PRIVATE SCHOOL IMMEDIATELY SHALL NOTIFY THE SCHOOL'S

1 ATTENDANCE OFFICER OR OTHER PERSON CHARGED WITH TRACKING STUDENT
2 ATTENDANCE AT THE SCHOOL.

3

Article - Education

4 7-302.

5 (a) The principal or head teacher of each public or private school in this State
6 shall report immediately to the county superintendent, the supervisor of pupil
7 personnel, or any other official designated by the county superintendent the name of
8 each child enrolled in his school who has been absent or irregular in attendance,
9 without lawful excuse, or who shows evidence of maladjustment, so that the causes
10 may be studied and solutions worked out.

11 (b) On receipt of a report from a principal or head teacher of a public school OR
12 PRIVATE SCHOOL that a student has been habitually truant without lawful excuse,
13 the appropriate representative of the school [system]:

14 (1) Shall initiate an investigation into the cause of the child's truancy;

15 (2) May provide counseling regarding the availability of social, health,
16 and educational services; and

17 (3) Following the investigation or intervention, may notify the
18 Department of Juvenile Services, AND ANY COURT FROM WHICH THE PRINCIPAL OR
19 HEAD TEACHER RECEIVED AN ORDER UNDER § 3-819(B-1) OF THE COURTS ARTICLE,
20 that the student has been habitually truant, without lawful excuse.

21 (c) The county superintendent, the superintendent's designee, or the
22 supervisor of pupil personnel shall provide to the local education agency for inclusion
23 in the report of the local education agency under § 7-304(f)(1) of this subtitle
24 information regarding the number of students identified as being habitually truant.

25

Article - Family Law

26 5-525.

27 (a) (1) The Administration shall establish a program of out-of-home
28 placement for minor children:

29 (i) who are placed in the custody of a local department, for a period
30 of not more than 180 days, by a parent or legal guardian under a voluntary placement
31 agreement;

32 (ii) who are abused, abandoned, neglected, or dependent, if a
33 juvenile court:

34 1. has determined that continued residence in the child's
35 home is contrary to the child's welfare; and

